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Attorneys for Plaintiff and the Alleged Class

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**A1 ON TRACK SLIDING DOOR
REPAIR AND INSTALLATION,
INC.,** individually and on behalf of all
others similarly situated.

Plaintiff.

v.
**SHORE FUNDING SOLUTIONS,
INC.**, a New York corporation,

Case No. 3:22-cv-01746-RS

NOTICE OF VOLUNTARY DISMISSAL

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 41, Plaintiff A1
On Track Sliding Door Repair and Installation, Inc. (“Plaintiff” or “A1”) dismisses
this lawsuit against Defendant Shore Funding Solutions, Inc. (“Defendant” or
“Shore Funding”) without prejudice.

Federal Rule of Civil Procedure 41(a)(1) provides, in relevant part:

(a) Voluntary Dismissal.

(1) By the Plaintiff.

1 (A) *Without a Court Order.* Subject to Rules 23(e), 23.1(c), 23.2 and 66 and
2 any applicable federal statute, the plaintiff may dismiss an action without a
3 court order by filing:

- 4 (i) a notice of dismissal before the opposing party serves either an
5 answer or a motion for summary judgment; or
6 (ii) a stipulation of dismissal signed by all parties who have appeared.

7 (B) *Effect.* Unless the notice or stipulation states otherwise, the dismissal is
8 without prejudice. But if the plaintiff previously dismissed any federal- or
9 state-court action based on or including the same claim, a notice of dismissal
10 operates as an adjudication on the merits.

11 In this case, Defendant has neither answered Plaintiff's Complaint nor served
12 a motion for summary judgment. In addition, because no class has been certified in
13 this matter, the exceptions specified in Rule 23 exceptions do not apply. Likewise,
14 this case does not involve any Receiver so as to implicate Rule 66.

15 Accordingly, Plaintiff hereby dismisses these proceedings without prejudice
16 in accordance with Rule 41(a)(1)(A)(i). The claims of the unidentified putative
17 class members, if any, are also dismissed without prejudice.

18
19 Respectfully submitted,

20 Dated: August 22, 2022

21 **A1 ON TRACK SLIDING DOOR**
22 **REPAIR AND INSTALLATION, INC.,**
23 individually and on behalf of all others
24 similarly situated,

25 By: /s/ Rebecca Davis
26 One of Plaintiff's Attorneys

27 Rebecca Davis (SBN 271662)
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CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2022, a true and correct copy of the above papers was served upon counsel of record by filing such papers via the Court's CM/ECF system.

/s/ Rebecca Davis

NOTICE OF DISMISSAL

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